



CRIMEAN HUMAN RIGHTS GROUP

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CRIMEAN HUMAN RIGHTS SITUATION REVIEW

October 2019

The monitoring review was prepared
by the Crimean Human Rights Group
on the basis of materials collected
in October 2019

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1. INTRODUCTION

The **Crimean Human Rights Group (CHRG)** is an organization of the Crimean human rights defenders and journalists, the purpose of which is to promote the observance and protection of human rights in Crimea by attracting widespread attention to the problems of human rights and international humanitarian law in the territory of the Crimean peninsula, as well as the search and development of mechanisms to protect the human rights in Crimea.

The **CHRG** first of all obey the rules of basic documents in the field of human rights, such as: the Universal Declaration of Human Rights, the Helsinki Final Act, the Convention on the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the International Covenant on economic, social and cultural Rights and others.

The main objectives of the **CHRG**:

- 1) Collection and analysis of the information regarding the human rights situation in Crimea;
- 2) Broad awareness among governments, international organizations, intergovernmental organizations, non-governmental organizations, the media and other target groups through the publication and spreading of analytical and information materials on the human rights situation in Crimea;
- 3) Promote the protection of human rights and respect for international law in Crimea;
- 4) Preparation of recommendations for government authorities and international organizations in the sphere of human rights;
- 5) Providing the presence of “human rights in the Crimea topics” in the information space.

The **CHRG's** team consists of experts, human rights activists and journalists from different countries who are involved in monitoring and documenting human rights violations in Crimea, since February, 2014.

During preparation and spreading of the information the **CHRG** is guided by principles of objectivity, reliability and timeliness.



2. CIVIL AND POLITICAL RIGHTS

RIGHT TO LIBERTY AND SECURITY OF THE PERSON

SEARCHES AND DETENTIONS

On October 9 in Saki Town Mr **Oleg Prykhod'ko**, a Ukrainian activist, was detained after the search. The witnesses informed the CHRG that FRB men had to Prykhod'ko's house at about 05:00pm to examine the garage. Mr Prykhod'ko went with them without a coat and a mobile but did not come home. Later a lawyer had been told that the FRB men had 'revealed' an explosive device in the garage. The lawyer informed that the examination had been held with violations, and the FSB men had brought witnesses together with them. Mr Oleg Prykhod'ko is charged with preparing an act of terror and storing explosive devices (*for more detail see section 'Politically motivated criminal persecution'*).

On October 22 at 03:07am the police stopped a van at the road from Rostov/na/Donu to Crimea in the area of the Kerch Birdge in which Ansar Osmanov, Ali Kerimov, and Amet Suleymanov were returning home after the hearings at the Southern Area Military Court (*as audience*). The policemen withdrew their documents and did not return them for 7 hours. The documents were returned about 10:00am without any charge made.¹

POLITICALLY MOTIVATED CRIMINAL PROSECUTION

As at end of October 2019, **87 persons** (*political reasons are supposed in one of the cases*) were deprived from liberty within a politically motivated criminal and/or religious persecution. The full list is published at the CHRG website.²

«CASE OF CRIMEAN MUSLIMS»

In October the total number of Crimean residents deprived from liberty under the 'Case of Crimean Muslims' was **65** persons.

On October 2nd Mr Igor Kostin, a judge of Sourthern Military Area Court (SMAC), sentenced Mr Nariman Memedeminov, under RF CC Article 205.2-1, to 2 and a half years in the penal settlement and imposed a ban to administer websites for two years³.

On October 7th lawyer E.Semedliayev informed that Mr Server Zekiryayev and Mr Memet Belialov had been conveyed from Krasnodar Detention Center to Rostov No 1 Detention Center⁴.

On October 8th Ms Yelena Mikhal'kova, a judge of 'the Supreme Court of Republic of Crimea' (SCRC), upheld the judgement on keeping in custody for **Mr Ayder Djepparov, Mr Riza Omerov, and Mr Enver Omerov** till 5 November 2019⁵.

¹ <https://www.facebook.com/crimeansolidarity/videos/496460097865230/>

² <https://crimeahrg.org/wp-content/uploads/2019/11/iisheniya-svobody-oktyabr-2019.pdf>

³ SMAC, List of cases to be heard on 2 October 2019 Case no 1-62/2019 https://yovs--ros.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=02.10.2019

⁴ Krym.Realii/ To Defendants of Bakchisarai Hizb-ut-Tahrir Case Conveyed to Rostov-na-Donu Detention Center <https://ru.krymr.com/a/news-figurantov-dela-khizb-ut-tahrir-etapirovali-v-rostov/30204281.html>

⁵ «SCRC» / List of cases to be heard on 8 October.2019. Case no 22H-3062/2019 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=08.10.2019



On October 10th Ms Natalia Zarudniak, a judge of 'Balaklava District Court of Sevastopol', adjudged **Rustem Abilev**, Imam of Shtormovoye Village Mosque, to be guilty under RF CC Article 280 (*Public appeals to extremist actions*) for giving sermons⁶. As informed by the RF FSB press service, Mr Abilev was imposed a RUR100,000 fine⁷.

On October 11th lawyer E.Semedliayev informed that during the hearings at the SMAC a prosecutor had asked for 20-year's sentence for **Muslim Aliyev**, 20 years and a half for **Inver Bekirov**, 15 years' for **Emir Usein Kuku**, 15 years for **Vadim Siruk**, 14 years and a half for **Refat Alimov** and 13 years and a half for **Arsen Djepparov** in the maximum security regime colony⁸.

On October 15th Mr Timur Slezko, a judge of 'the Supreme Court of Republic of Crimea' (SCRC), upheld the judgement on keeping in custody for **Mr Eskander Abdulganiyev**, **Mr Arsen Abkhairov**, and **Mr Rustem Emiruseinov** till 13 November 2019⁹.

On October 24th Mr Anatoliy Osochenko, a judge of 'the Supreme Court of Republic of Crimea' (SCRC), upheld the judgement on keeping in custody for **Mr Eldar Kantimirov**, **Mr Ruslan Mesutov**, **Mr Ruslan Nagayev** and **Mr Lenur Khalilov** till 5 November 2019¹⁰.

On October 25th Ms Yelena Spasenova and Ms Alla Khinevich, judges of 'SCRC', upheld the judgement on keeping in custody for **Mr Marlen Asanov** and **Mr Memet Belialov** till 9 September 2019. As at the moment of considering an appeal against keeping in custody their detention periods had been extended already, the 'SCRC' judgement was nothing but formality.

On October 31st 'Kievsky District Court of Simferopol' extended the detention periods for **Lenur Khalilov**, **Ruslan Nagayev**, **Ruslan Mesutov**, and **Eldar Kantimirov** till 5 February 2020¹¹.

«UKRAINIAN SABOTEURS' CASE»

11 people accused by the RF FSB of 'preparing subversions and spying' when detained, were in custody. These cases feature recorded facts of unlawful investigation methods, torturing to get confessions, violation of presumption of innocence, dissemination of 'confession' videos by the FSB via the mass media.

On October 10th Mr Ilya Kavarnikov, Vladimir Dudka' son, informed the CHRG, that **Vladimir Dudka** and **Aleksey Bessarabov** had been brought to the MATROSSKAYA TISHINA Detention Center in Moscow City (RF). On October 15th Mr Ilya Taratuta, a judge of Supreme Court of RF, upheld a judgement for Vladimir Dudka (14 years of imprisonment and a fine of RUR350,000) and Aleksey Bessarabov (14 years in imprisonment and a fine of RUR300,000). On October 24th Mr Kavarnikov informed that both Crimeans had been convoyed from the MATROSSKAYA TISHINA Detention Center to the colony for serving the sentence¹².

⁶ «Balaklava District Court of Sevastopol» / List of cases to be heard on 10 October 2019 Case no 1-197/2019 https://balaklavskiy--sev.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=10.10.2019

⁷ <https://crimea.ria.ru/incidents/20191023/1117514717.htm>

⁸ RIA KRYM / Extremist Preacher from Uzbekistan Related to Ukraine Sentenced in Crimea <https://www.facebook.com/photo.php?fbid=1404636566371565>

⁹ «SCRC» / List of cases to be heard on 15 October.2019. Case no № 22K-3126/2019 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=15.10.2019

¹⁰ SCRC» / List of cases to be heard on 24 October.2019. Case no 22K-3215/2019 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=24.10.2019

¹¹ Krym Realii / Court in Crimea Extended Detention for Four Defendants of Alushta Hizb-ut-Tahrir Case — lawyer <https://ru.krymr.com/a/news-sud-v-krymu-prodlil-arest-figurantam-alushtinskogo-dela-khizb-ut-tahrir/30246701.html>

¹² https://www.facebook.com/permalink.php?story_fbid=700262957121647



On October 15th Mr Ilya Taratuta, a judge of Supreme Court of RF, changed a guilty verdict for **Mr Konstantin Davydenko** in terms of punishment, reducing the imprisonment period from 10,5 to 7 years in the maximum security regime penal colony¹³.

“PERSECUTION FOR CHARGING WITH BEING IN N. CHELEBIDJIKHAN BATALLION”

As at the end of October **three** people were deprived from liberty under a charge of being in N.Chelebidjikhhan battalion. The official reason for persecuting the people accused in Crimea under RF CC Article 208-2 is that they failed to come voluntarily to the RF law enforcement bodies and declare their participation in the Crimean Tatar Noman Chelebidjikhhan Volunteer Battalion. The evidence of the battalion actions against the RF interests declared by the investigation is the information of mass media that the purpose of the battalion establishment was to de-occupy Crimea.

On October 17th Ms Nana Petiusheva, a judge of ‘SCRC’, upheld a 10-year’s sentence in the maximum security regime penal colony for Mr Diliaver Gafarov¹⁴.

VEDJIE KASHKA’S CASE

Mr Bekir Degermenji, Mr Asan Chapukh, Mr Kazim Ametov and Mr Ruslan Trubach were detained on November 23rd 2017 under a faked charge of demanding the money from a Turkish national. On detaining Ms Vedjie Kashka, a veteran of the Crimean Tatar movement, died, and as the detained stated, it was the Turkish national who had to pay back the money borrowed at her. On April 17th 2019 Mr Mikhail Belousov, a judge of ‘Kievsky District Court of Simferopol’, delivered a judgement on the case defendants. Mr Bekir Degermenji, , Mr Kazim Ametov and Mr Ruslan Trubach were sentenced to 3 years in prison suspended. Mr Asan Chapukh was sentenced to 3 years and a half in prison suspended.

On October 29th a panel of ‘SCRC’ judges composed of Oleg Lebed, Nana Petiusheva, and Eduard Belousov, a chairman, upheld the sentence for Mr Bekir Degermenji, Mr Kazim Ametov and Mr Ruslan Trubach¹⁵.

YEVGENII KARAKASHEV’S CASE

On October 4th lawyer A.Ladin informed that Mr **Yevgeniy Karakashev**, an activist from Yevpatoriya, had been convoyed from the Rostov-na-Donu Detention Center to the penal colony no 3 in Kabardino-Balkaria¹⁶.

¹³ CHRГ / Prison Sentence Reduced for Ukrainian Davydenko Accused of Espionage <https://crimeahrg.org/ru/obvinennomu-v-shpionazhe-ukrainczu-davidenko-sokratili-tyuremnyj-srok>

¹⁴ «SCRC» / List of cases to be heard on 24 October.2019. Case no 22-2977/2019 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=17.10.2019

¹⁵ SCRC» / List of cases to be heard on 29 October.2019. Case no 22-3079/2019 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=29.10.2019

¹⁶ <https://www.facebook.com/alexey.ladin.3/posts/2384854804965224>



OLEG PRYKHOD'KO'S CASE

On October 9th after the search Mr Oleg Prykhod'ko, a Ukrainian activist, was detained. He was charged with RF CC Article 30 and Article 205 (*preparation to the act of terror*) and Article 223.1 (*storage of explosive device*) for storing an explosive device in the garage that had been found during the inspection. Mr Prykhod'ko is denying any his relation to the storage and states that the device has been planted to cook up a case against him.

On October 10th Mr Anton Tsykurenko, a judge of 'Kievsky District Court of Simferopol', as requested by Ivan Romanets, a RF FSB investigator, applied to Mr Prykhod'ko keeping in custody as measure of restraint, till 10 December 2019¹⁷. On October 31st Konstantin Karavayev, a 'SCRC' judge', upheld this judgement¹⁸.

Activist Oleg Prykhod'ko has been held twice administratively liable by the RF authorities. The reason for persecuting him, as Mr Prykhod'ko thinks, is his public support of the territorial integrity of Ukraine. The activist does not keep in secret his participation in the protests at Meydan in 2014, and spoke openly against the annexation of Crimea when communicating to the Russian police or FSB men.

CONFINEMENT CONDITIONS IN DETENTION FACILITIES

On October 7th lawyer Rifat Yakhin informed that the Rostov na Donu Detention Center no 5 administration did not transfer the medicines for treating the uretic arthritis to Djemil Gafarov, a 'Case of Crimean Muslims' defendant¹⁹.

On October 13th a **prisoner born in 1968** died in the Simferopol Detention Center that was confirmed by the RF UFSIN²⁰ for Crimea press service. INTEFRAX informs that the passed away had complained about his health as early as in March 2019²¹. The Detention Center administration states that the medical aid had been provided. However, even if it was provided, it was not sufficient or was incompetent since the man soon died. In addition, deterioration of health could be a reason for changing the pre-trial restriction for not keeping in custody to be properly treated. But whether this has been considered regarding the passed away is unknown.

On October 16th lawyer L.Gemenji informed that **Mr Server Mustafayev**, a 'Case of Crimean Muslims' defendant, was kept in the Krasnodar Detention Center in a single cell without a permanent access to water and a hole in the floor as a WC so that excrements get inside in the cell²².

¹⁷ «Kievsky District Court of Simferopol' / List of cases to be heard on 10 October.2019. Case no 3/1-226/2019 https://kiev-simph--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=10.10.2019

¹⁸ «SCRC» / List of cases to be heard on 31 October.2019. Case no 22K-3304/2019 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=31.10.2019

¹⁹ Krym.Realii/ Medicines Not Transferred to Gafarov, Hizb-ut-Tahrir Case Defendant, in Detention Center — lawyer <https://ru.krymr.com/a/news-figurantu-khizb-ut-tahrir-ne-peredaut-medikamenty/30204377.html>

²⁰ Main Directorate of the Federal Penitentiary Service

²¹ <https://www.interfax.ru/russia/680507>

²² Krym.Realii / Smell of Excrements in Cells. Lawyer of Server Mustafayev Described Conditions in Krasnodar Detention Center <https://ru.krymr.com/a/news-advokat-servera-mustafaeva-krasnodarskoe-sizo/30219961.html>



FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

On October 11th representatives of RF legal enforcement bodies came to the Mosque of Kurtsy Village during the Friday Prayer. They were on several vehicles, including an armoured TIGR car with army licence plate²³. CRIMEAN SOLIDARITY Association published a video, with a man was saying, that according to the parish people information, the special police men had come to check the land title documents and utility meters²⁴.

FREEDOM OF SPEECH AND EXPRESSION

On October 22nd the RF police detained Mr Yevgeniy Gayvoronsky, a Yalta blogger. He reported that he had been several times face kicked at the police car when detained²⁵. The same day Ms Yelena Bekenstein, 'a peace judge', awarded a decision on arresting Gayvoronsky for 15 days. He was charged with escaping the drug addiction treatment under RF CoAO Article 6.9.1. The lawyer informed the CHRNG that Mr Gayvoronsky was denying taking the drugs and stated that the 'case had been cooked up' against him. On October 31st he was transported from the detention center to the 'Yalta Town Court' to hear an administrative case under Article 20.1-3 (*Insult of representative of authorities*). He was accused of having published texts with insulting statements addressed to Mr Vladimir Putin, RF President, in the social networks. The case is being heard.

On October 26th a RF national, a blogger nicknamed 'Aleksandr Adygeya' (the real name is unknown), who came to Crimea, having violated the internationally recognized border of Ukraine, reported that he had been attacked by Russian Guard men for shooting video in the public place (parking) in Kerch²⁶.

FREEDOM OF ASSEMBLY AND ASSOCIATION

On October 30th the Kerch Town Administration published a statement on its official website threatening the town residents who would participate in the procession dedicated to Halloween with holding administratively liable. The town administration justified this with the fact that the procession had not been agreed on with the local authorities de facto²⁷.

²³ <https://www.facebook.com/crimeansolidarity/posts/945787799122010>

²⁴ <https://www.facebook.com/crimeansolidarity/videos/2619100711509667/>

²⁵ Krym.Realii / Blogger Gayvoronsky Beatn and Detained in Yalta — relatives <https://ru.krymr.com/a/news-krym-hajvirovskogo-izbyli-i-zaderzali/30230379.html>

²⁶ <https://www.youtube.com/watch?v=9jDULm27Ck>

²⁷ 'Kerch Administration' / Kerch Residents, Be Alert, Avoid Participating in Non-Authorized Public Event <https://kerch-gorod.pф/novosti/obshhestvo/kerchane-budte-bditelnyi-vozderzhites-ot-uchastiya-v-nesoglasovannom-massovom-meropriyatii.html>



3. VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

GENEVA CONVENTION (IV) RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR

ILLEGAL SHIFT OF PEOPLE

Based on the information published at the website of 'Department of Federal State Statistics Agency for Republic of Crimea and Sevastopol', collected and assessed²⁸, the CHRNG found out that 158 433 persons had moved to Crimea from the RF regions for the period of Crimean occupation as at August 2019, including 87 000 people to the 'Republic of Crimea' and 71 433 to Sevastopol City. These are data for the RF nationals who registered officially at the place of staying in Crimea. Thus, this number does not represent a full picture of the RF nationals who have moved to Crimea.

CONSCRIPTION OF PERSONS LIVING IN THE OCCUPIED TERRITORY INTO ARMED FORCES OF OCCUPYING POWER AND PROPAGANDA OF JOINING VOLUNTARILY THE ARMED FORCES

On October 1st the RF authorities launched the 10th conscription campaign in Crimea. On October 9th Oleg Yermilov, 'Military Commissar of Republic of Crimea', informed that 2,600 Crimean residents were planned to be drafted to the RF Authorities within this campaign²⁹.

On October 5th 'DAY of DRAFTEE' event was held in Kerch, in Bogatikov Center of Culture, where the military commissar and representatives of the RF military units were advertising the service in the RF Armed Forces³⁰.

On October 10th 'DAY of DRAFTEE' event was held in Simferopol at DOSAAF³¹ base where the present-day arms and equipment of RF military men, military machines were demonstrated³².

In Yevpatoria at the YUNARMIA meeting the children underwent a tactical medical and drill training. The event was organized by 'Ministry of Education, Science, and Youth of Crimea', Regional Center for Preparing to Military Service and Military Patriotic Education — KRYMPATRIOTTSENTR, and the Youth Center of Crimea. According to the information of VESTI KRYM TV Channel, 250 schoolchildren participated in the event³³.

On October 12th in Sevastopol a solemn police cadetting of schoolchildren was held on the square at the Eternal Fire. The children were reading out the oath, promising to serve Russia. The ceremony was attended by Mikhail Razvozhayev, Russian acting as 'head of Sevastopol government', and RF MIA department representatives. Senior pupils of school no 6 were oathing individually to the Russian police department head in Sevastopol, and the fifth form schoolchildren did that all together³⁴.

²⁸ <https://crimea.gks.ru/>

²⁹ RIA Novosti/ Autumn 2019 Drafting Press Conference <https://m.crimea.ria.ru/press/20191009/1117424242.html>

³⁰ Day of Draftee in Kerch <https://www.youtube.com/watch?v=CYAGtzSYDtk>

³¹ Russian Army, Air Force and Navy Volunteer Society

³² DOSAAF/ Day of Draftee in Simferopol <http://www.dosaaf.ru/news/den-prizyvnik-a-v-simferopole/>

³³ Vesti Krym / Meeting of Yunarmia members in Yevpatoria <https://vesti-k.ru/v-evpatorii-proxodit-slyot-yunarmejcev/>

³⁴ Krym. Realii / Schoolchildren At Police Cadetting Ceremony in Sevastopol (+photo) <https://ru.krymr.com/a/news-v-sevastopole-shkolnikov-posvyatili-v-policeiiskie-kadety/30213235.html>



On October 16th 'Crimean Area Kazak Society' website informed that representatives of Djankoy Kazak Outpost paramilitary organization were included into the drafting commission and secured public order when draftees were sent to the RF Army³⁵.

On October 25th the 'Legislative Assembly of Sevastopol City' informed that 1,500 schoolchildren had joined officially YUNARMIA in Sevastopol. The ceremony had been attended by Igor Osipov, Commander of the RF Black Sea Navy³⁶.

On October 29th the press office of the 'State Council of Republic of Crimea' informed that an official ceremony of sending 150 draftees to the RF Armed Forces had been held at the collection point of the 'Republic of Crimea' Military Commissariat³⁷.

In October the CHRG recorded a new criminal case against a Crimean for evading the RF Armed Forces military service at the Sudak Town Court'. 5 new judgements were awarded in October on the same cases, including three issued on October 1st at the 'Gagarinsky District Court of Sevastopol'³⁸, one the same day at the 'Kirovsky District Court'³⁹, and one on October 15th at the 'Leninsky District Court of Sevastopol'⁴⁰. On the whole, as at the end of October the CHRG recorded 79 criminal cases for evading the RF Armed Forces military service, with judgements passed on 78 of them, and 1 being still on consideration.

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³⁵ «Crimean Area Kazak Society» / Djankoy Kazaks at Drafting Campaign <http://oko-crimea.ru/news/dzhankoyskie-kazaki-na-prizyvnoy-kompanii>

³⁶ «Legislative Assembly of Sevastopol City» / Ptoho Report Vladimir Nemtsev Attended Ceremony of Sevastopolers Joining YUNARMIA https://sevakon.ru/view/prensa/allnews/vtoroj_sozyv/201914/oktyabr3/fotoreportazh_vladimir_nemcev_prinyal_uchastie_v_ceremonii_prinyatiya_sevastopolcev_v_ryady_yunarmii/

³⁷ «State Council of Republic of Crimea» / Crimean New Draftees Went to Serve Fatherland http://crimea.gov.ru/news/29_10_19?fbclid

³⁸ «Gagarinsky District Court of Sevastopol» / List of cases to be heard on 1 October 2019. Cases no 1-242/2019, 1-243/2019, 1-244/2019 https://gagarinskiy--sev.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=01.10.2019

³⁹ «Kirovsky District Court» / List of cases to be heard on 1 October 2019. Case no 1-148/2019 https://kirovskiy--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=01.10.2019

⁴⁰ «Leninsky District Court of Sevastopol» / List of cases to be heard on 15 October 2019. Case no 1-267/2019 https://leninskiy--sev.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=15.10.2019